

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 19432
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On March 24, 2006, the Tax Discovery Bureau (TDB) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NOD) to [Redacted] (petitioner) proposing income tax, penalty, and interest for the years 2001, 2002, and 2003 in the total amount of \$10,381.

On May 23, 2006, a timely protest and petition for redetermination was filed by the petitioner's representative (representative). An informal hearing has not been requested by the petitioner or his representative. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision affirming the NOD.

The petitioner failed to file his 2001, 2002, and 2003 individual income tax returns. On November 16, 2005, the TDB sent a letter with a questionnaire to the petitioner to help the Commission properly determine the petitioner's filing requirement. The petitioner did not respond to this letter, so [Redacted]. The Commission issued a NOD to the petitioner on March 24, 2006, [Redacted].

In the petitioner's protest letter, the representative stated in part:

The reason we are protesting is that the tax liability shown on the notice is substantially overstated in all three years referenced above. This is due to the omission of the taxpayers expenses incurred in the operation of his business. We need additional time in order to prepare accurate federal and Idaho tax returns which will be filed as soon as they are completed.

The TDB sent the petitioner a letter dated May 23, 2006, which requested he send his 2001,

2002, and 2003 Idaho individual income tax returns to the TDB by June 18, 2006. The petitioner did not respond to this letter.

On July 11, 2006, the Tax Policy Specialist (policy specialist) sent the petitioner's representative a letter to inform him of the alternatives for redetermining a protested NOD. A follow-up letter was sent to the representative on August 30, 2006. The petitioner's representative did not respond to either letter.

The petitioner's representative called the policy specialist and informed the policy specialist that his last contact with the petitioner was in August of 2006. The representative could not contact the petitioner because the petitioner had not provided the representative with his current address or telephone number.

It is well settled in Idaho that a NOD issued by the Idaho State Tax Commission is presumed to be correct. Albertson's Inc. v. State, Dept. of Revenue, 106 Idaho 810, 814 (1984); Parsons v. Idaho State Tax Commission, 110 Idaho 572, 574-575 n.2 (Ct. App. 1986). The burden is on the petitioner to show that the tax deficiency is erroneous. Id. Since the petitioner has failed to meet the burden in this case, the Tax Commission finds that the amount shown due on the Notice of Deficiency Determination is true and correct.

[Redacted] The petitioner has not provided the Commission with a contrary result to the determination of his income [Redacted]. Therefore, the Commission must uphold the deficiency.

WHEREFORE, the Notice of Deficiency Determination dated March 24, 2006, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the petitioner pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2001	\$3,084	\$771	\$1,028	\$ 4,883

2002	1,877	469	506	2,852
2003	2,233	558	482	<u>3,273</u>
			TOTAL DUE	<u>\$11,008</u>

Interest is computed through October 5, 2007.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of the petitioner's right to appeal this decision is enclosed with this decision.

DATED this _____ day of _____, 2007.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2007, a copy of the within and foregoing DECISION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]

Receipt No.

[REDACTED]
